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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,714	09/29/2003	Kozo Okuda	70594-027	2025

7590 06/28/2007
McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/671,714	Applicant(s) OKUDA ET AL.	
	Examiner Angela A. Armstrong	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Shlomot (US Patent No. 6,377,931).

Regarding claim 1, Shlomot discloses an audio decoding device (Figure 2) including a jitter buffer (260) for storing a received packet, and decoding means (240) for decoding the packet stored in the jitter buffer (col. 3, line 56 to col. 5, line 43; col. 5, line 45 to col. 7, line 55; col. 8, line 59 to col. 9, line 12), the audio decoding device comprising: playback speed change means (280) for changing, with respect to a decoded audio signal obtained by the decoding means; the playback speed thereof; an output buffer (270) for temporarily storing a digital audio signal outputted from the playback speed change means; means for reading out the digital audio signals stored in the output buffer at predetermined time intervals; playback speed control means for controlling the playback speed change means on the basis of the number of packets stored in the jitter buffer (268, 269); and decoding timing control means for controlling the timing of

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decoding by the decoding means on the basis of the amount of data stored in the output buffer (col. 2, lines 61-63).

Regarding claim 2, Shlomot discloses the playback speed control means controls the playback speed, change means such that the playback speed is reduced when the number of packets stored in the jitter buffer is less than a first predetermined reference value, while controlling the playback speed change means such that the playback speed is increased when a state where the number of packets stored in the jitter buffer is more than a second predetermined reference value which is not less than said first predetermined reference value is continued for a predetermined time period (col. 6, line 19 to col. 7, line 55).

Regarding claim 3, Shlomot discloses the decoding timing control means requires the decoding means to decode the packet when the amount of data stored in the output buffer is less than a predetermined reference value (col. 2, line 19 to col. 10, line 3).

Regarding claim 4, Shlomot discloses an audio decoding device including a jitter buffer for storing a received packet, and decoding means for decoding the packet stored in the jitter buffer, the audio decoding device comprising: delay time control means for carrying out such control that a delay time period elapsed from the time when the packet is stored in the jitter buffer until the packet is decoded is lengthened when the number of packets stored in the jitter buffer is less than a first predetermined reference value, while, carrying out such control that a delay time period elapsed from the time when the packet is stored in the jitter buffer until the packet is decoded is shortened when a state where the number of packets stored in the jitter buffer is more than a second predetermined reference value which is not less than the first

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predetermined reference value is continued for a predetermined time period (Figure 2; col. 3, line 56 to Col. 6, line 36; col. 8, line 59 to col. 9, line 12).

Regarding claim 5, Shlomot discloses an audio decoding device (Figure 2) including a jitter buffer (260) for storing a received packet, and decoding means (240) for decoding the packet stored in the jitter buffer (col. 3, line 56 to col. 5, line 43; col. 5, line 45 to col. 7, line 55; col. 8, line 59 to col. 9, line 12), the audio decoding device comprising: playback speed change means (280) for changing, with respect to a decoded audio signal obtained by the decoding means; the playback speed thereof; an output buffer (270) for temporarily storing a digital audio signal outputted from the playback speed change means; means for reading out the digital audio signals stored in the output buffer at predetermined time intervals; playback speed control means for controlling the playback speed change means on the basis of the number of packets stored in the jitter buffer (268, 269); and decoding timing control means for controlling the timing of decoding by the decoding means on the basis of the amount of data stored in the output buffer (col. 2, lines 61-63).

Regarding claim 6, Shlomot discloses the delay time control means controls the packet to be read out of the jitter buffer and fed to the decoding means such that the packet read out of the jitter buffer at the timing of Packet reading is repeatedly decoded at the timing of packet reading continued a plurality of number of times including the current time, and the read-out of the packet from the jitter buffer is inhibited during the decoding when the number of packets stored in the jitter buffer is less than the first predetermined reference value, while controlling the packet to be read out of the jitter buffer and fed to the decoding means such that the plurality of packets stored in the jitter buffer are read out at a time at the timing of packet reading, and one of

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the packets is decoded and the other packets are discarded when the state where the number of packets stored in the jitter buffer is more than the second predetermined reference value which is not less than the first predetermined reference value is continued for a predetermined time period (col. 6, line 36 to col. 9, line 12).

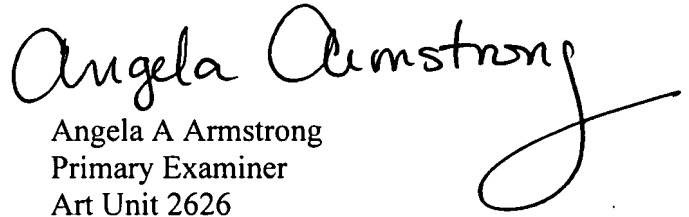
Regarding claims 7-12, claims 7-12 include the limitation of a network telephone (disclosed by Shlomot at col. 3, lines 54-56) comprising decoding elements similar in scope and content to claims 1-6 and are therefore rejected under similar rationale.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Angela A Armstrong
Primary Examiner
Art Unit 2626

AAA
June 25, 2007